

and residing in this state, and the ground of the application is, that the defendant, the party complained against, abandoned the complainant upwards of ten years since, that this abandonment has continued uninterruptedly for more than ten years, is deliberate and final, and the separation beyond any hope of reconciliation. It is also alleged, as a circumstance marking the final nature of the separation, that the parties, on the 18th of April, 1846, agreed upon, and executed a deed of separation, by which provision was made for the support and maintenance of the wife, fully equal to such portion of the property of the husband, as the law would have given her in the event of his death.

This deed of separation is exhibited, and made a part of the bill. By it, certain property is conveyed by the husband, to a trustee, for the sole and separate use of the wife, with power, with the concurrence of the trustee, of disposing thereof, whilst living, or by her will, or in case of her death without will, in trust for her children and their descendants, or in case she should die without children or descendants, living at her death, then in trust for her right heirs. The deed also contains a stipulation that the parties, Brown and wife, "shall and will henceforth, during their joint lives, live separate and apart from each other, without any sort of dependance or claim, of the one upon, or against, the other."

In the answer of the wife, the abandonment is admitted, as is the deed of separation, though the application for a divorce is resisted, at least until the husband shall make a comfortable provision for her, which, she alleges, is not done by the deed.

Under the commission which issued to take proof, the continued separation of the parties for the ten years past, is proved, as is also the great improbability of their reconciliation.

Upon the return of the commission, the case, by agreement of counsel, was set down for final decree on the 25th of this month, and is now submitted upon notes filed by the complainant's solicitor.

Jurisdiction in cases of applications for divorces, was conferred upon the equity tribunals of this state, by the act of as-